

THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
FORT WORTH DIVISION
Case No.: 4:23-cv-00772-O-BP

MICHAEL MOATES,)	
)	
Plaintiff,)	
)	
v.)	Civil Action No. 4:23-cv-00772-O-BP
)	
STATE OF NORTH CAROLINA, et. al.,)	
)	
Defendants.)	

**MOTION FOR EXTENSION OF TIME TO ANSWER OR OTHERWISE RESPOND TO
THE COMPLAINT**

NOW COMES Defendant, the State of North Carolina, through counsel, and respectfully moves the Court for a twenty (20) day extension to serve an Answer to the Complaint or otherwise plead. In support of their motion, Defendant states as follows:

1. Plaintiff filed the Complaint against the State of North Carolina and several other states on July 25, 2023. (ECF No. 1)
2. The docket reflects that on July 25, 2023 the Clerk issued summonses to Defendants. (ECF No. 4)
3. It appears that Plaintiff contends that he perfected service on the Attorney General of North Carolina by certified mail, left with an identified individual at the North Carolina Department of Justice on April 7, 2023.¹ (ECF No. 11) The complaint is marked by the North

¹ However, it is not clear that the State of North Carolina was properly served pursuant to Rule 4(j)(2) of the Federal Rules of Civil Procedure.

E-mail: thenderson@ncdoj.gov
Counsel for Defendant Bass

N.C. Department of Justice
P.O. Box 629
Raleigh, NC 27602-0629
Telephone: (919) 716-6900
Facsimile: (919) 716-6761

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing MOTION FOR EXTENSION OF TIME has been served using first class United States mail to the Plaintiff and all counsel of record on this the 31st day of August, 2023 as follows:

Michael Moates
4501 Nautilus Circle #710
Fort Worth, TX 76112
254-966-2837

ERIC FINEMAN
Office of the Attorney General
Assistant Attorney General
P.O. Box 12548, Capitol Station
Austin, Texas 78711-2548


Tamika L. Henderson

Carolina Department of Justice as having been received on August 14, 2023; thereby, making any response due on or before September 4, 2023.

4. Although, it appears the Plaintiff lacks standing to assert these claims and that the complaint is barred by the Eleventh Amendment of the United States Constitution, The State of North Carolina brings this motion out of an abundance of caution to seek an extension to time to answer or otherwise respond to the complaint.

5. Pursuant to Local Rule 83.7, the undersigned needs to apply for pro hac vice admission to this Court and will need time to obtain local counsel.

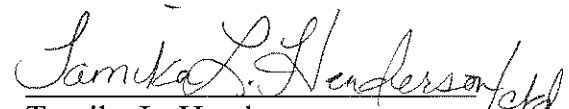
6. Defendant hereby requests a twenty (20) day extension in order to obtain local counsel and pro hac vice admission or until September 24, 2023.

7. This is Defendants' first Request for Extension of Time to respond. Defendants do not request this for the purpose of unnecessary delay or for any other improper purpose.

8. On August 31, 2023, counsel informed Plaintiff of North Carolina's intent to file this motion and asked for Plaintiffs' position. Plaintiff does not consent to the extension.

WHEREFORE Defendants request that this Court provide a twenty (20) day extension of time to answer the Complaint or otherwise plead, up to and including September 4, 2023.

Respectfully Submitted,

A handwritten signature in cursive script, appearing to read "Tamika L. Henderson".

Tamika L. Henderson
Special Deputy Attorney General
N.C. State Bar No. 42398
E-mail: thenderson@ncdoj.gov
Counsel for Defendant Bass

JOSHUA H. STEIN
ATTORNEY GENERAL



Reply to:
Christal Kelly Dixon
Special Litigation Section
919.716.6900
919.716.6763
cdixon@ncdoj.gov

August 31, 2023

VIA FEDERAL EXPRESS

United States District Court
Northern District of Texas
501 West 10th St., Room 310
Fort Worth, TX 76102-3673

RE: *Moates v. State of NC, et al.*
4:23-cv-00772-O-BP

Dear Sir/Madam:

Enclosed for filing is the original and one (1) copy of the State's Motion for Extension of Time in the above-referenced matter. Please file-stamp each and return the file-stamped copy in the self-addressed, stamped envelope enclosed.

Should you have any questions or concerns, please do not hesitate to contact our office.

Sincerely,

Christal Kelly Dixon
Paralegal for Tamika L. Henderson

Enclosures

cc: Michael Moates
Eric Fineman